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Attorneys for Defendant
HAL ELTZROTH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BAYDELTA MARITIME, INC.,
Plaintiff,
vs.
HAL ELTZROTH,
Defendant.

Case No. C-06-1114 MMC

STIPULATION TO EXTEND TIME TO
COMPLETE ENE AND ~~PROPOSED~~
ORDER

...and RELATED COUNTERCLAIM.

WHEREAS, on May 1, 2006, pursuant to stipulation by the Parties, the Court ordered that the Parties complete an Early Neutral Evaluation ("ENE") by July 31, 2006;

WHEREAS, the Alternative Dispute Resolution Clerk appointed Marilyn Raia, Esq. as the Early Neutral Evaluation Evaluator;

WHEREAS, on June 5, 2006, Defendant/Counterclaimant filed a first amended counterclaim joining the International Organization of Masters, Mates & Pilots ("MM&P") as a party to this action.

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1 WHEREAS, Marilyn Raia, Esq. wrote to counsel for the Parties and suggested that the
2 Parties seek an order extending the time to complete the ENE. WHEREAS, the parties agreed that
3 an extension of the July 31, 2006 deadline to complete an ENE was appropriate;

4 WHEREAS, on June 19, 2006, the Court extended the time to complete the ENE until
5 September 8, 2006.

6 WHEREAS, on June 30, 2006, counter defendant Baydelta Maritime Inc. filed a motion to
7 dismiss in response to the first amended counterclaim; on August 1, 2006, the Court issued an order
8 granting in part and denying in part the motion to dismiss, and granting Eltzroth leave to amend;

9 WHEREAS on August 11, 2006, MM&P filed its answer to the amended counterclaim.

10 WHEREAS, on August 17, 2006, Eltzroth filed a second amended counterclaim;

11 WHEREAS, the second amended counterclaim is not yet at issue, the parties agree that it is
12 appropriate to seek an extension of the September 8, 2006 deadline to complete ENE;

13 WHEREFORE IT IS HEREBY STIPULATED BY THE PARTIES AND REQUESTED
14 that the Court extend the time to complete the Early Neutral Evaluation until November 30, 2006.
15 SO STIPULATED:
16

17
18 Dated: September 8, 2006

SHEPPARD MULLIN RICHTER &
HAMPTON LLP

21 By: /s/ Charles S. Donovan

22 Charles S. Donovan
23 Attorney for Plaintiff BAYDELTA MARITIME,
24 INC.,
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1 Dated: September 8, 2006

3 By: /s/ Mark L. Venardi

4 Mark L. Venardi
5 Attorney for Defendants/Counterclaimant HAL
6 ELTZROTH

7
8 Dated: September 8, 2006

9 By: /s/ Beth Ross

10 Beth Ross
11 Attorney for Counter-defendant
12 INTERNATIONAL ORGANIZATION OF
13 MASTERS, MATES, AND PILOTS

14
15 IT IS HEREBY ORDERED that that the deadline to complete an Early Neutral Evaluation
16 in the above-captioned action is extended from September 8, 2006 to November 30, 2006.

17 SO ORDERED:

18
19 Dated: September 11, 2006



20 United States District Court Judge Maxine Chesney